

CHAPTER 1

VOLUNTARY SEPARATIONS

1A. Abandonment of Position

1. General

An employee who, without written or oral explanation, quits his job or fails to return to work after the expiration of approved leave or furlough (other than furlough under reduction in force) is subject to separation for abandonment of position.

2. Legal Basis

The Federal Personnel Manual contains the authority for separating departmental employees for abandonment of position.

3. Applicability

This section applies to all U.S. citizen Civil Service employees of AID.

4. Policy

Agency policy is:

- a. To make a reasonable attempt to locate an employee whose absence is unauthorized or unexplained and to ascertain his/her intentions regarding his/her position.
- b. To initiate separation action for abandonment of position if the employee cannot be reached or otherwise does not indicate whether he/she plans to return to duty or to resign.
- c. To give the employee the benefit of any doubt which may exist in establishing the fact of abandonment of position.

5. Responsibility of Employing Office

a. Definition

Employing Office. The office responsible for effecting personnel actions involving Civil Service employees is the Civil Service Personnel Division, Office of Personnel Management (M/PM/CSP).

b. Decision to Separate

The decision to separate an employee for abandonment of position rests with the employing office, based on information furnished by supervisors or other management officials.

c. Authority to Separate

Proposed separations are approved and authorized by officials of the employing office having such authority.

6. Determination of Appropriate Action

If an employee quits his/her job, or fails to return to duty after an authorized period of absence, without explanation, the Agency takes action as follows:

a. Attempt to Communicate With Employee

The employing office:

(1) Tries promptly to locate employee and ascertain his/her intentions.

(2) Sends a letter to employee's last known address if he/she cannot be located and nothing is heard from him/her for ten calendar days. The letter is sent by registered mail, return receipt requested. It informs the employee that, unless he/she returns to duty or gives a justifiable reason for his/her absence by a specified date, the Agency will initiate action to separate him/her for abandonment of position.

b. Action if Employee Returns to Duty

(1) If the employee returns to duty by the date specified in the letter (or advises of his/her intention to return) and satisfactorily explains the absence, no further action is necessary other than appropriate change in leave.

(2) If the employee returns (or advises of his/her intention to return), but fails to explain the absence satisfactorily, disciplinary

action may be in order. If so, such action is taken pursuant to Chapter 6.

c. Action if Employee Fails to Return

(1) If the employee notifies his/her employing office that he/she has resigned, the employing office should process his/her separation as a resignation. In such case, the SF-50, "Notification of Official Personnel Action," includes a statement of the circumstances of the resignation.

(2) The employing office, based on a review of all of the pertinent facts and circumstances, determines whether to separate the employee for abandonment of position:

(a) if the employee has been reached, but fails without satisfactory reason, to return to duty or to declare his/her intentions within 10 calendar days from the time he/she was reached; or

(b) if the employee could not be reached, and his/her unauthorized absence continues for a period of 21 calendar days without any notice to the Agency

7. Decision to Separate for Abandonment of Position

a. If the employing office determines that such action is proper, it prepares form AID 4-520, "Notification of Official Personnel Action," to show "Separation--Abandonment of Position." The effective date is the last day the employee was present for duty, or the last day of authorized leave or furlough, as appropriate. If the period of leave included home leave, the employee is required to make refund for the home leave used.

b. As notification of the Agency's action, a copy of the form AID 4-520 is sent to the employee's last known address.

8. Employees Having Reemployment Rights In Other Federal Agencies

Once a decision to separate an employee for abandonment of position has been reached, the employing office notifies the agency in which he/she has reemployment rights as promptly as possible of the circumstances.

1B. Resignation

1. General

a. Purpose

This section establishes policy, responsibilities and procedures governing resignation of AID employees.

b. Definition

A resignation is the separation of an employee from the Agency's rolls at his/her own request.

2. Applicability

This chapter applies to all U.S. citizen Civil Service employees of AID.

3. Policy

It is Agency policy that:

- a. No employee is denied the right to resign.
- b. A resignation is binding on the employee unless, in the discretion of the responsible Agency official, he is permitted to withdraw it.
- c. An employee may elect to resign rather than submit to Agency-initiated removal procedures.
- d. No employee is coerced or threatened to obtain his/her resignation. (However, informing an employee of an alternative which may ensue if he/she does not resign does not constitute coercion or threat so long as none is implied.)
- e. An employee who elects to resign while disciplinary action or other separation action is pending may do so, but he/she is informed by a responsible personnel official that notation of the pending action will be shown on the SF 50 documenting his/her resignation.
- f. In the situation described in 1B3e above, the employee may not fix the effective date of his/her resignation later than the date on which the Agency-initiated action would normally take effect.

4. Procedures

a. Advance Notice

In order to permit orderly planning, the Agency expects at least two weeks' advance notice of the resignation of a departmental employee. (See 1B5 for discussion of effective date.)

b. Manner of Submittal

(1) The employee submits his/her resignation in writing. The resignation shows reasons and effective date. It is especially important that reasons be stated precisely and clearly since they may be used to establish entitlement to benefits under the Unemployment Compensation Act. If an employee declines to submit a written resignation, the Agency accepts his/her oral resignation, tendered in the presence of witnesses if possible. In the case of an oral resignation, the date, reasons, and names of witnesses are recorded in the employee's official personnel folder. If possible, the reason why employee declined to submit a written resignation should also be recorded. A resignation following receipt of reduction-in-force notice must be in writing.

(2) The employee submits his/her resignation to the immediate supervisor who forwards it, through proper administrative channels to M/PM/CSP.

5. Effective Date

Normally, a resignation is effective on the date the employee specifies. In this respect, the employee should be advised that annual leave shall not be granted immediately before separation, except when in the interest of the service. Exceptions must be approved by M/PM.

6. Special Provisions

a. Conditional Resignation

(1) The Agency does not accept a conditional resignation other than one relating to terminal medical clearance or disability retirement.

(2) If an employee otherwise specifies terms and conditions under which he/she will resign, the official receiving the resignation advises that the Agency's acceptance is only of the fact of resignation and does not constitute agreement to the specified terms or conditions. In such case, the employee may withdraw the conditional resignation and resubmit an unconditional one.

b. Resignation of Employee Eligible for Retirement

If the employee is eligible for disability or optional retirement, he/she is counseled on the advisability of applying before action is taken on his/her resignation.

c. Resignation to Enter Military Service

The employee is advised that he/she is entitled to be carried on Agency rolls until he/she actually enters on active military duty, and that delaying the separation will avoid a break in service or the necessity to refund a lump-sum payment if he/she is rejected for military duty for medical or other reasons.

7. Instructions to Resigning Employee

The responsible personnel office counsels the employee who is resigning with regard to the following:

a. If he/she has reemployment rights in another Federal agency, he/she is advised that he/she must apply to that agency no later than 30 calendar days from the effective date of separation. Failure to do so could cause the forfeiture of such rights.

b. He/she is advised to his/her rights under the retirement, health, life insurance, and unemployment compensation programs. In this connection, the following forms are used:

(1) SF 8, Notice to Federal Employee About Unemployment Compensation

(2) SF 56, Agency Certification of Insurance Status, Federal Employees Group Life Insurance Program (1972 edition.)

Deduction (3) SF 2802, Application for Refund of Retirement

Enrollment (4) SF 2810, Notice of Change in Health Benefits

c. If he is a foreign service employee, he is advised that the provisions of HB 29, Chapter 1, and dependents who traveled to post shall complete prescribed medical examinations; however, he will be deemed to have waived any future claim for medical examination or treatment under the Foreign Service Act of 1946, as amended, for himself or for any of his dependents who traveled to post if such person(s) fail to complete the prescribed medical examination(s) prior to the effective date of separation. (Also see Chapter 8, HB 30.)

1C. Separation Travel - Foreign Service Employees

1. General

This section prescribes the circumstances under which an employee who is separating from the AID foreign service may be authorized travel and transportation of effects.

2. Legal Basis

See HB 22, Chapter 9.

3. Applicability

The provisions of this instruction apply to all United States citizen employees in AID foreign service, including employees of the participating agencies. (See HB 22, Chapter 9.)

4. Responsibility

The responsibility to authorize or approve travel and transportation of effects in connection with an employee's separation from foreign service is delegated to the employing office as defined in AID travel regulations for foreign service employees.

5. Eligibility

The employing office may authorize travel and transportation of effects for U.S. citizen employees meeting any of the following conditions:

- a. An employee whose separation is involuntary, including but not limited to separation for cause, failure to qualify, failure to accept new assignment, or disability; mandatory or disability retirement; reduction in force; selection-out; termination of time limited appointment.
- b. An employee who receives official orders to enter the armed forces of the United States. However, travel is not authorized on the basis of notices to report for physical examination preliminary to induction or enlistment in the military service.
- c. An employee serving in an executive personnel position, as defined in HB 25, Chapter 8, whose resignation is accepted by the Administrator.
- d. An employee who resigns:

- (1) At the completion of his prescribed tour of duty;
- (2) At the completion of his tour of duty when such tour is shortened under the provisions of HB 25, Chapter 6.
- (3) After the completion of five years of continuous service in the AID foreign service (including service on rotation in AID/W), at least six months of which has been during the employee's current tour;
- (4) For reasons of a compelling personal and humanitarian nature which are acceptable to the Agency, such as:
 - (a) An employee or a member of his family incurs a serious illness for which adequate medical treatment is not available at the post or within the area. Medical certification is required;
 - (b) A member of the employee's family (not at post) suffers an illness or death which imposes upon the employee the care of an invalid or maintenance of a home for minor children or aged kin;
 - (c) Employee or a member of his family is unable to adjust to living in a foreign area and continued employment in the area would result in breaking up the family group.
- (5) Whenever such resignation is considered to be advantageous to the United States Government.

Service abroad by an employee of any U.S. Government Agency (including the armed forces) counts toward the service requirement set forth in (1), (2), and (3) above, if the employee was appointed abroad by AID without a break in service from the agency in which he served provided the employee serves at least six months in the AID foreign service.

e. An employee who was converted to resident status during a tour of duty continues to be eligible for return travel at Government expense upon completion of the initially prescribed tour. However, the employee, if also eligible to travel as a dependent of a Government employee, must elect to travel either as an employee or a dependent.

f. Employees who apply for optional retirement under the Civil Service Retirement Act and regulations issued pursuant to Public Law 89-205, when approved in advance by AID/W.